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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)**

IN RE: BEXTRA AND CELEBREX) MDL CASE NO.: 05-CV-1699
MARKETING SALES PRACTICES AND)
PRODUCT LIABILITY LITIGATION)

ANNEN, et al.,) **CASE NO. CGC-06-456869**
Plaintiffs,) **MDL Case No. 07-0953 CRB**
vs.)
PFIZER, INC., et al.) **STIPULATION AND ORDER OF**
Defendants.) **DISMISSAL WITH PREJUDICE**
) **AS TO PLAINTIFF THELMA CUMMINGS**
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COME NOW, Plaintiff THELMA CUMMINGS and Defendants PFIZER, INC., et al., by and through the undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a),

1 and hereby stipulate to the dismissal of Plaintiff THELMA CUMMINGS from this action, with
2 prejudice, each side bearing its own attorney's fees and costs.
3

4 Respectfully submitted,

5 Dated: September 24, 2009

6 **KABATECK BROWN KELLNER LLP**

7 By: _____
8

9 Brian S. Kabateck, Esq.
10 Attorneys for Plaintiff THELMA CUMMINGS

11 Dated: October 27, 2009

12 **DLA PIPER LLP**

13 By: _____
14

15 Matthew A. Holian
16 Attorney for Defendants PFIZER, INC., et al.
17

18 **ORDER**

19 **PURSUANT TO THE TERMS SET FORTH IN THE PARTIES' STIPULATION, IT IS
SO ORDERED.**

20 Dated: OCT 29 2009

21 _____
22 Honorable Charles R. Breyer
23 United States District Court
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